

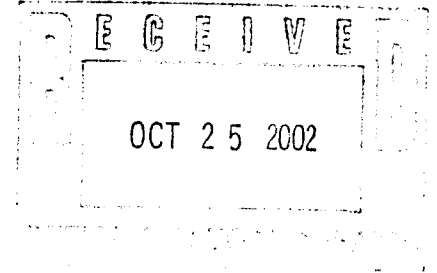


the **legal aid** society of cleveland

C. LYONEL JONES, DIRECTOR

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October 22, 2002

Mattie C. Condray  
Senior Assistant General Counsel  
Office of Legal Affairs  
Legal Services Corporation  
750 First Street, NE, 11<sup>th</sup> Floor  
Washington, DC 20002-4250

Re: Proposed Rule, 67 Fed. Reg. 57550 (Sept. 11, 2002) (Outside Practice of Law)

Dear Ms. Condray:

I am a full-time attorney at The Legal Aid Society of Cleveland ("LASC"). This letter provides you with my comments on one provision of the above-referenced proposed rule. I am not submitting these comments on behalf of LASC.

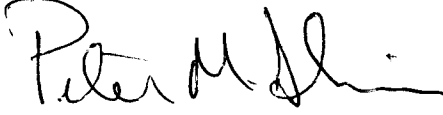
The proposed rule governs the right of a full-time attorney to represent himself/herself in a civil action. See proposed 45 C.F.R. § 1604.4(c)(2). See also 64 Fed. Reg. 57550, 57552 (Sept. 11, 2002). It permits a recipient to permit a full-time attorney to represent himself/herself in a civil action. Id. However, it also permits a recipient to prohibit a full-time attorney from representing himself/herself in a civil action. See proposed 45 C.F.R. § 1604.3(b).

Proposed 45 C.F.R. part 1604 should be revised so as to state that a recipient must permit a full-time employee, who is using his/her vacation time or other non-work time, to represent himself/herself (1) in any civil action in which the employee is sued and (2) in any civil action that the employee commences, provided the employee is permitted by applicable law to commence the action.

In such actions, the only relevant issue whether a full-time employee may represent himself/herself or is required to retain counsel. The right to represent oneself in a civil action has been a valued right in this country from its beginning. See O'Reilly v. New York Times Co., 692 F.2d 863, 867 (2d Cir. 1982). Furthermore, in some civil actions, the cost of retaining counsel is prohibitive.

Thank you for your consideration of these comments.

Sincerely

A handwritten signature in black ink, appearing to read "Peter M. Iskin". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter M. Iskin  
Attorney at Law